

### Remarks/Arguments

Claims 1-68 are pending in the subject application. Claims 57, 65 and 67 are cancelled herein. Accordingly, claims 1-56, 58-64, 66 and 68 are presented for examination on the merits.

The claims have been amended to provide proper antecedent basis where necessary and to correct clerical errors. Claim 1 has also been amended to provide a longer average length for the water soluble polymer (as disclosed in original claim 8). Claims 26 and 27 have been amended to recite that the claimed oligonucleotides or polynucleotides are obtained by enzymatic incorporation of at least one nuc-macromolecule of the invention. No new matter is added by these amendments to the claims.

The examiner has required election of a single group of claims for prosecution in this application, as well as election of a single species of coupling unit, soluble polymer, core component, nucleoside, manner of coupling the Nuc macromolecule and type of nuc-macromolecule.

In response, Applicants elect with traverse Group I, including claims 1-25, 28-50, 52 and 66, directed to a composition and method of use. The elected species are as follows:

Coupling unit:  $R_6-C \equiv C-CH_2-R_7$

Soluble polymer: polyethylene glycol

Core component: nucleic acids

Nucleoside: 2'-deoxyribonucleoside triphosphates

Manner of coupling: Claim 47

Types of nuc-macromolecules: four differently labeled types

Claims 1- 50, 52, 66 and 68 read on the elected species.

Applicants respectfully disagree with the Examiner's conclusion that the claims do not represent a single general concept under PCT Rule 13.1. It is respectfully pointed out that that the EPO did not find there to be a lack of unity of invention and except for claims 26 and 27, all claims were allowed in their entire scope. Moreover, contrary to the Examiner's conclusion, there is a single unifying inventive concept, the nuc-macromolecules of the invention, which represent a new class of nucleotide compounds. The individual components of the nuc-macromolecules are exchangeable without disrupting the general inventive concept. All of these compounds share common structural features and utility and therefore, represent a single inventive concept.

It is specifically pointed out that amended claims 26 and 27 are directed to oligonucleotides and polynucleotides made by the enzymatic incorporation of the claimed nuc-macromolecules, which is again, the common structural unit of the invention. Rejoinder of claims 26 and 27 and claim 68, which is directed to the method of making these oligonucleotides and polynucleotides with the elected group of claims is respectfully requested.

It is respectfully submitted that the present application, as amended above, and with claims 1-56, 58-64, 66 and 68 are in condition for examination on the merits.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
McDERMOTT WILL & EMERY LLP

Judith Toffenetti  
Registration No. 39,048

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 JLT/ajb  
Facsimile: 202.756.8087  
**Date: June 4, 2010**

**Please recognize our Customer No. 20277  
as our correspondence address.**